

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

BERGGREN OY AB

13-05-2005

To:

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BERGGREN OY AB

13-05-2005

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing  
(day/month/year)

11-05-2005

Applicant's or agent's file reference  
BP106014/JK

**REPLY DUE**

within 60 days from  
the above date of mailing

10.7.05

International application No.

PCT/FI 2003/000573

International filing date (day/month/year)

18-07-2003

Priority date (day/month/year)

19-06-2003

International Patent Classification (IPC) or both national classification and IPC

H04B7/185

Applicant

Nokia Corporation et al

1. ☒ The written opinion established by the International Searching Authority:  
☒ is ☐ is not  
considered to be a written opinion of the International Preliminary Examining Authority.
2. This first (first, etc.) opinion contains indications relating to the following items:
  - ☒ Box No. I Basis of the opinion
  - ☐ Box No. II Priority
  - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV Lack of unity of invention
  - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI Certain documents cited
  - ☐ Box No. VII Certain defects in the international application
  - ☒ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 19-10-2005

Name and mailing address of the IPEA/SE

Patent- och registreringsverket  
Box 5055  
S-102 42 STOCKHOLM

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Authorized officer

Fredrik Blomqvist /LR

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**WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.

PCT/FI 2003/000573

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

☒ the international application as originally filed/furnished

☐ the description:

pages \_\_\_\_\_ as originally filed/furnished

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the claims:

pages \_\_\_\_\_ as originally filed/furnished

pages \_\_\_\_\_ as amended (together with any statement) under Article 19

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

pages \_\_\_\_\_ as originally filed/furnished

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

WRITTEN OPINION OF THE  
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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |        |              |
|-------------------------------|--------|--------------|
| Novelty (N)                   | Claims | <u>29</u>    |
|                               | Claims |              |
| Inventive step (IS)           | Claims | <u>29-39</u> |
|                               | Claims |              |
| Industrial applicability (IA) | Claims |              |
|                               | Claims |              |

2. Citations and explanations:

The claimed invention solves the problem of having continuous satellite communication and to avoid switching off the connection between the BS and the BSC. There is also a need of changing satellite link to another satellite and to be able to change the base transceiver station (BTS) location.

The problem is solved with an emulator functionality provided at both ends of the satellite communication link. The emulator is capable of providing required state signalling without a connection between the base station and the base station controller and therefore the satellite communication link can be switched to "off state" when it is not needed for transferring calls or other information.

Reference is made to the following document:

D1) WO9948312 A1

D1 describes a method for accessing services of a mobile communication network directly or via an IP network. Information may be transferred from the mobile to the IP network through a BTS emulator. This emulator is a virtual terminal which emulates the functions of the actual mobile station towards the mobile communications network.

Reasoned statement

D1 describes how a mobile station (first unit) emulates signalling to a mobile communication network(second unit) when there is no communication between the units (see p.6 line 10-21). In the subject-matter of claim 29 nothing is described of how the emulation is done and that the emulation is done during a satellite communication. See also Box VIII.

.../...

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Therefore, the subject-matter of claim 29 lacks novelty in view of D1.

In claims 30-39 constructional details and characteristics of the network of claim 29 are defined, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 30-39 is not considered to involve an inventive step.

Accordingly, the subject-matter in claims 29 lacks novelty and claims 30-39 is not considered to involve an inventive step.

**WRITTEN OPINION OF THE  
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**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The subject matter in claim 29 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. It lacks the important feature "satellite communication" and does not clearly define how the emulation is done.